

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JEREMIAH GARY,

Petitioner,

vs

9:06-CV-248

SUPERINTENDENT JAMES CONWAY,  
Attica Correctional facility,

Respondent.

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APPEARANCES:

OF COUNSEL:

JEREMIAH GARY  
Petitioner, Pro Se  
03-B-2608  
Attica Correctional Facility  
P.O. Box 149  
Attica, NY 14011-0149

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State of New York  
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120 Broadway  
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LUKE MARTLAND, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner, Jeremiah Gary, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated April 9, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied. Petitioner has filed timely objections.

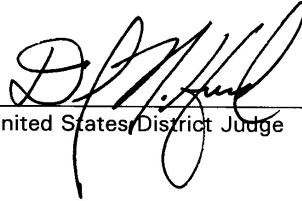
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: July 16, 2007  
Utica, New York.

  
United States District Judge